IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Writ Petition No. 4279/2006
Hashamali Hitarullabhai Kothawala ..vs.. Smt. Abeda Khatun wd/o Bismilla Khan and Others.

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

CORAM :- R. V. MORE, J.
DATE :- 11th December, 2007

Heard Mr. Chandurkar, learned counsel for the petitioner, Mr. Mirza, learned counsel for respondent No. 1 and Mr. Adgokar, learned A.G.P. for respondent Nos. 2 and 3.

The Rent Controller, Amravati granted permission to respondent No. 1 to issue quit notice under Clause 13 (3) (ii) and (vi) of the Rent Control Order i.e. on the ground of habitual default and bonafide need against the petitioner. The Additional Collector, Amravati, by the order impugned in this petition confirmed the order of the Rent Controller granting permission to issue quit notice under Clause 13(3) (ii) (vi) of the Rent Control Order.

Both the authorities below concurrently held that the

petitioner was in arrears of rent from 01.11.1974 to 31.05.1976 i.e. for 19 months and secondly from 01.06.1994 to 31.10.1998 i.e. for the period of 53 months.

In view of these concurrent finding, no interference is called for so far as permission under clause 13 (3) (ii) is concerned.

So far as permission under clause 13 (3) (vi) is concerned, respondent No. 1/applicant's son and her daughter-in-law both are Doctors by profession and they intend to demolish the demised premises as it has become dilapidated and construct a new building for hospital. The Authorities below in the facts and circumstances mentioned above held that respondent No. 1 is in need of the suit premises for the bonafide occupation of her son and daughter-in-law and, therefore, the permission under Clause 13(3) (ii) and (vi) is granted.

No error is pointed out in the orders passed by the Authorities below. There is no reason to interfere in the impugned orders in my jurisdiction under Article 227 of the

Constitution of India. The Writ Petition is, therefore, dismissed with no order as to costs.

JUDGE

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